

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
EASTERN DIVISION**

STATE OF WEST VIRGINIA, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
	)	
AMERICAN FARM BUREAU	)	
FEDERATION, <i>et al.</i> ,	)	
	)	No. 3:23-cv-32-DLH-ARS
<i>Plaintiff-Intervenors</i>	)	
	)	Hon. Daniel L. Hovland
v.	)	
	)	
	)	
UNITED STATES ENVIRONMENTAL	)	
PROTECTION AGENCY, <i>et al.</i> ,	)	
	)	
<i>Defendants,</i>	)	
	)	
CHICKALOON VILLAGE	)	
TRADITIONAL COUNCIL, <i>et al.</i>	)	
	)	
<i>Defendant-Intervenors.</i>	)	

**FEDERAL DEFENDANTS' RESPONSE TO  
PLAINTIFF-INTERVENORS' MOTION FOR ORAL ARGUMENT**

Plaintiff-Intervenors have moved for oral argument, ECF No. 115, regarding their preliminary injunction motion, ECF Nos. 113 & 114. In response, Federal Defendants hereby state that they are prepared to participate in oral argument if this Court decides that oral argument will assist in reaching a decision. In that event, Federal Defendants request that the Court schedule oral argument after the briefing on Plaintiff-Intervenors' motion for preliminary injunction is complete, and after the Court decides Federal Defendants' appeal of Magistrate Judge Senechal's order granting Plaintiff-Intervenors' intervention motion. ECF No. 129.

Respectfully submitted,

TODD KIM  
Assistant Attorney General  
ENVIRONMENT AND NATURAL  
RESOURCES DIVISION

*Of Counsel:*

Karyn I. Wendelowski  
Elise O'Dea  
Environmental Protection Agency

Daniel Inkelas  
Erica Zilioli  
U.S. Army Corps of Engineers

/s/ Sonya J. Shea  
ANDREW J. DOYLE, FL Bar No. 84948  
SONYA J. SHEA, CA Bar No. 305917  
SARAH IZFAR, DC Bar No. 1017796  
HUBERT T. LEE, NY Bar No. 4992145  
ELLIOT HIGGINS, NY Bar No. 5737903  
United States Department of Justice  
Environmental Defense Section  
P.O. Box 7611  
Washington, DC 20044  
Tel: (415) 744-6469 (Doyle)  
Tel: (303) 844-7231 (Shea)  
Tel: (202) 305-0490 (Izfar)  
Tel: (202) 514-1806 (Lee)  
Tel: (202) 514-3144 (Higgins)  
Fax: (202) 514-8865  
andrew.doyle@usdoj.gov  
sonya.shea@usdoj.gov  
sarah.izfar@usdoj.gov  
hubert.lee@usdoj.gov  
elliott.higgins@usdoj.gov

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 12, 2023, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Sonya J. Shea